

REMARKS

Claims 1, 2, 4-16, 18, and 20-23 were pending in the application. The office action dated August 7, 2008 rejects all pending claims.

This paper amends claims 1 and 20 to correct § 112 matters identified by the Examiner. Claims 1, 2, 4-16, 18, and 20-23 remain pending in the application.

Claim Objections

The Office Action objects to claims 1, 2, 4-10, and 21 because of the following informality: the term “and” in line 9 of claim 1 should be moved to the end of line 15. Applicant has amended claim 1, as suggested by the Examiner, and submits that the amendment overcomes the objections.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejects claims 20 and 23 under 35 U.S.C. 112 as being indefinite: claim 20, because “the first card” lacks antecedent basis and “out-of-band” signal should be plural, not singular; and claim 23 because of its dependency on a rejected claim. Applicant has amended claim 20 by replacing the term “the first card” with the term “the tributary card” and changed “out-of-band signal” to “out-of-band signals”. Applicant submits that the amendment overcomes these rejections.

The Office Action also rejects claims 1, 2, 4-16, 18, and 20-23 under 35 U.S.C. § 112 for failing to comply with the enablement requirement. Specifically, the Office Action asserts that the applicant’s specification does not disclose “that the second card transmits a second out-of-band signal containing information extracted from out-of-band signals received from other cards to the first card”. Applicant respectfully disagrees. Support for the subject matter in question can be found throughout the application, and

specifically in the following paragraphs of the specification, when their teachings are understood together:

Paragraph [00044]:

“FIG. 3 shows an example of a frame 50’ transmitted from the tributary card 10-1 (for example) to the XC card 12a over the trib-xc link 20a.”

Paragraph [00047]:

“FIG. 4 shows an example of a frame 50” transmitted from the XC card 12a to the Trib card 10 over an xc-trib link 20a.”

Paragraph [00048]:

“As shown, the packet 56-5 is a concatenation of the status information 60 received from each of the Trib cards 10.”

Paragraph [00053] and FIG. 6:

“During a frame interval, the Trib cards 10-1, 10-2 receive (step 72) incoming data signals, transmit (step 74) status and protection information to the XC card 12a over respective trib-xc links 20a”

“Also during this frame interval, the XC card 12a transmits (step 78) status and protection information to each Trib card 10 over the xc-trib links 20a.”

Paragraph [00054] and FIG. 6:

“The XC card 12a also aggregates (step 82) certain status and protection information received from each Trib cards 10. ... The information being aggregated during the current frame interval, the XC card 12a will simultaneously transmit to each Trib card 10 during the next frame interval.”

Paragraph [00056]:

“Over the trib-xc link 20a, the Trib card 10-1 transmits (step 112) a packet (as part of a frame) conveying the changed latch status. The XC card 12a receives (step 116) this packet and aggregates this status information with similar status information obtained from the other Trib cards 10 in the shelf 2 (represented by arrow 120). When the appropriate timeslot for transmitting the aggregated latch status arrives, the XC card 12a transmits (step 124) the aggregated status information to each Trib card 10 in the shelf 2 simultaneously.”

Paragraph [00056] thus describes an example embodiment of the claimed subject matter in question, namely that the second card (i.e., XC card 12a) transmits a second out-of-band signal (i.e., aggregated status information, paragraphs 0047, 0048, 0053 and 0054) containing information extracted from out-of-band signals (e.g., latch status information, paragraphs [0044 and 0053]) received from other cards (i.e., other Trib cards 10) to the first card (i.e., Trib card 10-1). Therefore, applicant respectfully submits that the applicant's disclosure does enable the claimed subject matter in question and respectfully requests that the rejection be withdrawn.

CONCLUSION

Applicant submits that this paper provides a response for all pending claims. Any absence of a reply to a specific rejection, issue, or comment, or to the taking of “official notice” or reliance on “common sense”, however, does not signify agreement with or concession of that rejection, issue, comment, taking of “official notice”, or reliance on “common sense”. In addition, because the arguments made above are not exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the amendments and arguments made herein, applicant

submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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